

10 January 1980

MEMORANDUM FOR: Director of Personnel Policy, Planning  
and Management

FROM: [redacted]  
Chief, SIS Support Staff

SUBJECT: Clarification of Annual Leave Accumula-  
tion Status of SIS Member Downgraded to  
GS-15

1. At your request, I contacted [redacted] of the Office of General Counsel for an informal opinion on the annual leave status of an SIS member who is removed from SIS and downgraded to GS-15. We briefly discussed and examined our Agency regulations, the DDCI determinations to date on the SIS leave, and the OPM issuances for SES members.

2. Based on this brief review, especially on Section 630.301 of Title 5, Code of Federal Regulations, [redacted] believes (and I agree) that the following policy would apply:

a. The individual would be entitled to the authorized annual leave balance brought into the current leave year plus all leave accrued but not used in the current leave year. Stated more concisely, the individual is entitled to retain as his maximum the current balance at the time of his/her downgrading. This is, of course, subject to the following provision.

b. This maximum accumulation will be reduced at the end of any leave year in which the individual uses more leave than he/she accrues. This already is the procedure for employees moving from the 45-day to 30-day limitation and for employees who had larger leave balances at the time the present Government leave system was adopted (circa 1952).

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c. There appears to be no requirement or need to enforce the 80 hour "use-or-lose" rule for the year in which the individual is downgraded since presumably the downgrading was involuntary and perhaps unexpected.

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3.  saw no need for a formal OGC opinion on this question but suggested that this is a policy question which you or the DCI/DDCI should approve with OGC concurrence.

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